

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CURTIS AND CHARLOTTE WESTLEY, ) No. C11-02448-EMC  
Individually and on Behalf of All Others ) and related consolidated action  
Similarly Situated, ) (Lead Case No. C11-3176-EMC)  
 ) (Derivative Action)  
Plaintiffs, )

vs. )

OCLARO, INC., et al., )  
 )  
Defendants. )

In re OCLARO, INC. DERIVATIVE )  
LITIGATION ) Lead Case No. C11-3176-EMC  
 ) (Derivative Action)

This Document Relates To: )  
 ) DATE: May 16, 2013  
 ) TIME: 1:30 p.m.  
 ) COURTROOM: 5, 17th Floor  
 ) JUDGE: Hon. Edward M. Chen

[PROPOSED] ORDER DENYING DEFENDANTS' MOTION  
TO DISMISS THE THIRD AMENDED COMPLAINT

1 Defendants' Motion to Dismiss the Third Amended Complaint for Violation of the Federal  
2 Securities Laws (Dkt. No. 130) ("Motion to Dismiss") was heard on May 16, 2013 at 1:30 p.m.  
3 Having considered the parties' papers, oral argument, and other pleadings and papers filed in this  
4 action, the Court orders as follows:

5 1. Defendants' Motion to Dismiss has failed to demonstrate plaintiffs' Third Amended  
6 Complaint for Violation of the Federal Securities Laws did not adequately plead defendants acted  
7 with scienter when making materially false and misleading statements on July 29 and August 11,  
8 2010.

9 IT IS HEREBY ORDERED that defendants' Motion to Dismiss is hereby DENIED.

10 DATED: \_\_\_\_\_ THE HONORABLE EDWARD M. CHEN  
11 UNITED STATES DISTRICT JUDGE  
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